July 12, 1994



Alliance for Public Technology

901 15th Street, NW • Suite 230 • P.O. Box 28578 • Washington, DC • 20005-2301 (202) 408-1403 (Voice/TTY) • (202) 408-1134 (Fax)

RM 8491

Dr. Barbara O'Connor, Chairperson Institute for the Study of Politics and Media California State University, Sacramento*

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Consumer Interest Research Institute*

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Vincent C. Thomas

New York State Department of
Economic Development*

Donald Vial
California Foundation on the
Environment and Economy*

*Organization is for identification purposes only.

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

PECENTO

FJUL 1 2 1994

FEDERAL COMMUNICATIONS COMMUNICATIONS (COMMUNICATIONS)

Re:

Petition for Rulemaking to Adapt the Section 214 Process to the Construction of Video Dialtone Facilities

Dear Mr. Caton:

Attached is an original and seven copies of the Alliance for Public Technology's comments in the proceeding noted above. Should you have any questions, I can be reached through the Alliance office at (202)-408-1403.

Thank you for your assistance in this matter.

Sincerely,

Susan G. Hadden

Chair

Public Policy Committee

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enclosure

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Before the Federal Communications Commission Washington, DC 20554

In the Matter of	(P-0-
Petition for Rulemaking to)	RECEIVED
Adapt the Section 214 Process	,	FIII 4 0 400
to the Construction of Video	í	IJUL 1 2 1994
Dialtone Facilities)	FEDERAL COMMUNICATION COMMISSION OFFICE OF SECRETARY

COMMENTS OF THE ALLIANCE FOR PUBLIC TECHNOLOGY

The Alliance for Public Technology submits these comments in response to the petition for rulemaking filed by the Center for Media Education, et. al., on May 23, 1994.

The Alliance for Public Technology (APT) is a nonprofit, tax-exempt membership organization, with 77 organizational and 159 individual members. APT's mission is to foster equitable and affordable access to the benefits of telecommunications technology in the Information Age.

The Alliance takes no position on the merits of those petitions filed in the nature of a complaint against specific applicants for Section 214 authority. The Alliance does support the initiation of a proceeding to address issues raised in the petition, although it is unclear whether that proceeding should be a separate rulemaking, a notice of inquiry or inclusion of these issues in the ongoing inquiry into universal service issues.

In these comments we wish to address the broader policy issues raised by the relief requested by the petition. Specifically, the "have - have not" problem must be dealt with in formulating policies for the national information infrastructure, of which these Section 214 proceedings are an integral -- though smaller -- subset.

The Alliance is deeply concerned with the larger issue of universal service as it applies to the deployment of the advanced NII networks to every citizen in this country. In February 1993, APT issued a vision statement on the 21st century information world entitled "Connecting Each to All: A Telecommunications Platform for the Information Age." A copy is attached to these comments.

Based on APT's vision, H.R. 3636, which was passed overwhelmingly by the House of Representatives, includes a statement, added during committee markup, for a national goal:

"to make available, so far as possible, to all the people of the United States, regardless of location or disability, a switched, broadband telecommunications network capable of enabling users to originate and receive affordable and accessible high quality, voice, data, graphics and video telecommunications services;"

I. The Real Issue is Universal Service

A. Redlining

We share Petitioners' concerns at any possibility that minorities, ethnic groups or low income citizens will be left behind in their access to the NII. APT is also concerned about others who may be left behind, including older Americans, people with disabilities, and citizens living in thinly populated areas and rural communities.

Clearly discrimination in the deployment of the NII has significant impact on people with lower incomes. Congress has made it clear in this precise area — the delivery via wire of video programming to the home. Thus, Section 621 (a) (3) of the 1984 Cable Act, 47 U.S.C. 541 (a) (3) (1991) provides that "... a franchising authority shall assure that no class of potential residential cable subscribers is denied cable service due to income or economic status of the neighbored in which the person lives. In other words, cable systems will not be permitted to 'redline' (the practice of denying service to lower income areas...").

But it is essential to be clear about the importance of not permitting any population segment or community from being bypassed by the NII. APT is deeply concerned about other citizens who may be left behind in urban, suburban or rural communities.

To the extent that there is any question such a practice will be permitted by telephone providers of video dialtone, APT believes the Commission has ample authority under its general jurisdiction to adopt a similar prohibition with respect to video dialtone service.

B. Video Dialtone

Video dialtone networks are only a small subset of the advanced two-way interactive networks which will comprise the NII. Today, video dialtone networks offer only limited interactive capability, such as video on demand and home shopping. In the future, the more advanced networks with the capacity to transmit two way interactive video services in and out of the home will be the ones which enable consumers to receive critical health care services in their home; to engage in telecommuting video conferencing; and to receive and create interactive multimedia learning materials so essential for motivating student skills, retraining and literacy education.

By setting narrow precedents now, we risk losing regulatory flexibility for future technologies and services. While the Commission should be concerned about prohibiting discrimination, the most important task is to encourage the wide spread deployment of these high capacity networks at affordable costs to all consumers.

II. Appropriate Relief

APT supports a statement of policy by the Commission reaffirming its position that discrimination in deployment of all facilities, including video dialtone services, based on race, ethnicity or income of the area in which a person lives, is not acceptable.

In our consistent argument relating to universal service, appropriate relief relates to defining and implementing universal service. As indicated previously, APT supports the initiation of a proceeding to examine deployment issues, including the possibility of discrimination. In addition, however, any proceeding should also examine the following proposals:

A. Permanent Universal Service Advisory Committee

A Universal Service committee should be created by the FCC to develop implementation steps to ensure the achievement of the goal of universal service which would make available, so far as possible, to all the people of the United States, regardless of location or disability, a high capacity, switched telecommunications network capable of enabling users to originate and receive affordable and accessible high quality voice, data, graphics, video and other types of telecommunication services. Each state public service commission should be encouraged to establish a similar committee with a similar charge. These state commissions would establish implementation timetables, identify possible obstacles to the achievement of this goal and review filings to ensure that they will advance the goals of universal service.

The federal and state advisory committees should be made up entirely of members of the public, including representatives of target groups and relevant public interest groups. At least one member of each advisory committee should represent the disabled community to ensure that usability, not connectivity alone, is an inseparable element of universal service.

B. Monitoring

With the advice of the Permanent Universal Service Advisory Committee, the FCC should establish checkpoints along the information highway to measure progress toward the goal of universal service. A biannual (or annual) Universal Service Report should track the distribution of advanced telecommunications networks and services, including cable TV and other services delivered by cable, mobile, wireless and other services, as well as video dialtone delivered by telephone companies. The FCC advisory Committee should also help in analyzing the policy implications of the Universal Service Report, and the Commission should issue a

distribution of these advanced telecommunications networks and services. If the report shows trends toward lack of access by particular groups or communities, the Commission will have a factual basis for imposing additional requirements on regulated entities to redress the problem.

Learning from the original filing, we encourage the Commission to require that information be provided in electronic form, geared to use in a geographical information system created for this purpose. Not only will this decrease the use of paper, it will help the public who seeks to obtain and analyze the data for their own purposes. (For earlier successes in the use of electronic filing requirements, see Susan G. Hadden, A Citizens Right to Know, Boulder, CO., Westview Press, 1989.)

III. Conclusion

APT supports petitioners' request that the Commission reaffirm its commitment to universal, non-discriminatory access to services. We further support the proposal for initiation of a proceeding to examine the issue of redlining, but only in the context of universal service. We urge the Commission to begin a proceeding in which it establishes a process for obtaining significant input from the public, regularly, with respect to universal service objectives. The Commission should establish its own monitoring capability, with periodic reports on how new advanced networks and services, such as video dialtone service, are being deployed.

We hope that this discussion is of assistance to the Commission in its consideration of this matter and of the important issues raised in the universal service field. For the foregoing reasons, we urge action along the lines set out above.

Respectfully submitted,

Susan G. Hadden Chair, Public Policy Committee Alliance for Public Technology 901 Fifteenth Street, NW Suite 230 Washington, DC 20005-2301

July 12, 1994